IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3088 OF 2003
IN
SUIT NO.4843 OF 1994

Ms.Pramila Dutta Kumar Deorukhkar .. Plaintiff

Vs.

Anand Builders and Ors. ..Defendants

Mr.Vimal Tiwari i/b Y.M.Chaudhari for the plaintifff

CORAM : S.U.KAMDAR, J
DATED : 28TH FEBRUARY, 2006

P.C.:

1. The present motion is filed for setting aside an order dt.30.9.99. Suit is dismissed by the Prothonotary and Senior Master, High Court, Mumbai for non appearance. An affidavit states that the writ of summons was duly served on 6.12.95 and therefore, plaintiff had complied with all the requirements of the process of service and the order is merely dismissed for non-appearance.

2. For the reasons set out in affidavit in

support of motion, motion is made absolute in terms of prayer clause (a). Motion is served on the defendants. Inspite of that neither there is any reply filed nor anybody is appearing for the defendants. Plaintiff to file affidavit of service within one week from today. Plaintiff to pay cost quantified at Rs.5000 to the Maharashtra State Legal Services Authority.